

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER W. STEFFEN,

Plaintiff,

v.

No. CV 18-1060 KG/CG

ROOSEVELT COUNTY DETENTION
CENTER, et al.,

Defendants.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on the *pro se* handwritten filing by Plaintiff Christopher W. Steffen. (Doc. 1). The Court determines that the *pro se* filing is deficient because it is not in proper form and Plaintiff has not paid the \$400 filing fee or filed an *Application to Proceed in the District Court Without Prepaying Fees and Costs*.

Plaintiff states that "this 1983 tort claim comes in pursuant to NMSA 42-2-22." (Doc. 1 at 1). However, NMSA 42-2-22 is a New Mexico state statute dealing with flood control and has no application to this proceeding in federal court. The filing indicates "[r]elief sought that Deputy Cummins be removed and the sum of 40,000 for slander and libel, also, that Judge Mower be fined and the sum of 60,000 be awarded to the plaintiff also that the Public Defenders Department be fired and the sum of 80,000 be awarded." (Doc. 1 at 3). Plaintiff's filing appears to assert § 1983 civil rights claims, as well as possible state law claims, against New Mexico state facilities or officials. (Doc. 1 at 2-3).

A civil rights complaint under 42 U.S.C. § 1983 is the exclusive vehicle for vindication of substantive rights under the Constitution. See, *Baker v. McCollan*, 443 U.S. 137, 144 n. 3 (1979); *Albright v. Oliver*, 510 U.S. 266, 271 (1994) (claims against

state actors must be brought under 42 U.S.C. § 1983). This filing is not in proper form to assert civil rights claims.

In addition, under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required to collect the federal filing fee from Plaintiff or authorize Plaintiff to proceed without prepayment of the fee. Plaintiff has not paid the \$400.00 filing fee nor has he submitted an application to proceed under § 1915.

Plaintiff must cure the deficiencies if he wishes to pursue his claims. The deficiencies must be cured within thirty (30) days of entry of this Order. Plaintiff must include the civil action number, CV 18-01060 KG/CG, on all papers he files in this proceeding. If Plaintiff fails to cure the deficiencies within thirty (30) days, the Court may dismiss this proceeding without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days of entry of this Order, Plaintiff Christopher W. Steffen cure the deficiencies by (1) paying the \$400 filing fee or submitting an *Application to Proceed in the District Court Without Prepaying Fees and Costs* and (2) filing a prisoner civil rights complaint in proper form.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail to Plaintiff, together with a copy of this order, (1) two copies of an *Application to Proceed in the District Court without Prepaying Fees and Costs under 28 U.S.C. § 1915*, with instructions, and (2) a form prisoner civil rights complaint under 42 U.S.C. § 1983, with instructions.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE